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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 WILLIAM LEONARD PICKARD,
12 Plaintiff,
13 v.
14 DEPARTMENT OF JUSTICE,
15 Defendant.

No. 06-cv-00185-CRB

**ORDER TERMINATING MOTION,
VACATING HEARING, DIRECTING
FILING OF NEW BRIEFS, AND
SETTING NEW HEARING DATE**

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17 Defendant has filed a motion for De Novo Determination of Dispositive Matter
18 Referred to Magistrate Judge. D Mot. (dkt. 244). The parties' briefing of that motion
19 presupposes that the Court is familiar with all of the materials that were before Magistrate
20 Judge Cousins. This is a problem. In letters submitted to Judge Cousins, both parties
21 incorporated their fourth motions for summary judgment. See Letter from Plaintiff (dkt. 223)
22 at 1-2; Response re Letter (dkt. 255) at 1. After Judge Cousins issued his Tentative Order,
23 the parties submitted additional briefs. See Briefs (dkt. 233; dkt. 237; dkt. 239; dkt. 242; dkt.
24 244; dkt. 246; dkt. 247; dkt. 247; dkt 248-1). Throughout these documents, the parties
25 referenced and incorporated prior briefs, including their third motions for summary
26 judgment. See, e.g., P Opp'n (dkt 246); D MSJ (dkt. 184); P MSJ Reply (dkt. 191); D Reply
27 re Tentative (dkt. 239). One such statement serves as an example: "Defendant hereby fully
28 incorporates by reference into its Fourth Motion for Summary Judgment all arguments made

1 in its Third Motion for Summary Judgment (Doc. #140) and its reply brief thereto (Doc.
2 #161). . . For the sake of nonrepetition and efficiency, Defendant does not repeat herein
3 every argument it previously made, but rather summarizes some of the main arguments
4 previously made and also adds some additional argument. Any argument previously made
5 but not summarized herein (with the exemption of argument regarding whether a Vaughn
6 index needed to be filed) is still fully incorporated herein by reference." D MSJ at 4.

7 Endless references to past briefs require the Court to scour the docket to determine
8 what the parties are actually arguing. "Judges are not like pigs, hunting for truffles buried in
9 briefs." Dynetix Design Solutions, Inc. v. Synopsys Inc., No. CV 11-05973 PSG, 2013 WL
10 3490938, at *2 (N.D. Cal. July 11, 2013) (internal quotation marks omitted). The Court does
11 not think it unreasonable to ask that the parties serve their truffles on a single platter.
12 Moreover, endless references to other filings subvert the purpose of the page limitations set
13 forth in Civil Local Rules 7-2(b), 7-3(a), and 7-3(c). The parties must be clear and succinct.

14 Therefore, in an effort to ensure that the Court see and consider all pertinent
15 arguments, the Court hereby (1) TERMINATES the pending motion; (2) VACATES the
16 motion hearing now set for August 5, 2016; and (3) DIRECTS the parties to submit a new,
17 stand-alone set of briefs—i.e., a set of briefs that contain all of the party's arguments without
18 incorporating previous briefs.¹ Defendant's motion, not to exceed twenty-five pages, shall be
19 due on or before August 12, 2016. Plaintiff's opposition, not to exceed twenty-five pages,
20 shall be due on or before August 26, 2016. Defendant's reply, not to exceed fifteen pages,
21 shall be due on or before September 2, 2016. The Court shall hold a hearing on the revised

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28 ¹ Of course, descriptions of the case's procedural history and references to the orders of either
this Court or of Judge Cousins are appropriate.

1 motion on September 16, 2016, at 10:00 A.M.

2 **IT IS SO ORDERED**

3 Dated: July 29, 2016


CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE